

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**BARRY SCHMITTOU,**

**Plaintiff,**

**v.**

**METROPOLITAN LIFE INSURANCE  
CORPORATION, TMG SOLUTIONS, INC.,**

**Defendants.**

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**Case No. 3:05-cv-0013**

**Judge Aleta A. Trauger  
Magistrate Judge Bryant**

**ORDER**

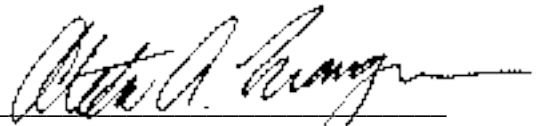
For the reasons stated in the accompanying Memorandum, the Magistrate Judge's March 1, 2013 Report and Recommendation (Docket No. 216) is **ACCEPTED IN PART and REJECTED IN PART**, the plaintiff's Objection to the R&R (Docket No. 219) is **SUSTAINED IN PART and OVERRULED IN PART**, the defendants' Motion for Judgment on the Administrative Record (Docket No. 195) is **DENIED**, and the plaintiff's Motion for Judgment on the Administrative Record and Second Request for Special Prosecutor (Docket No. 198) is **GRANTED IN PART and DENIED IN PART**.

The plaintiff's request for appointment of a special prosecutor is **DENIED**. Plaintiffs' claims for long-term disability benefits pursuant to the Physical Claim and the Mental Claim are hereby **REMANDED** to MetLife for further administrative proceedings consistent with the accompanying Memorandum.

The clerk is directed to administratively close this file, subject to reopening, if the plaintiff is denied long-term disability and seeks redress in the court once again.

It is so **ORDERED**.

Enter this 29<sup>th</sup> day of March 2013.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

ALETA A. TRAUGER  
United States District Judge